

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

The Home Depot USA, Inc.

Case 04-RC-303670

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Home Depot USA, Inc., is a Delaware corporation engaged in the operation of home improvement retail stores with a retail store located at 7640 Roosevelt Blvd., Philadelphia, Pennsylvania, the only location involved herein. During the past calendar year, the Employer derived gross revenue in excess of \$500,000, and during the same period sold goods valued in excess of \$5,000 directly to customers located outside the Commonwealth of Pennsylvania.

3. LABOR ORGANIZATION. The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATES: Wednesday, November 2, 2022	HOURS: 9:00 a.m. to 11:00 a.m.,
AND	1:00 p.m. to 3:00 p.m., and
Saturday, November 5, 2022	8:30 p.m. to 10:30 p.m.

PLACE: In the Training Room at the Employer's 7640 Roosevelt Blvd., Philadelphia, PA store.

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: All full-time and regular part-time Cashiers, Head Cashiers, Sales Associates, Order Fulfillment Associates, Lot Associates, Customer Service Associates, Facility Support Associates, Facility Support Associates/Sales, Freight Team Associates, Pro Associates, Pro Account Sales Associates, Receiving Associates, Sales Specialists, Appliance Sales Associates, Bilingual Lot Associates, Bilingual Cashier, Customer Order

Initials: _____

Specialists, Tool Rental Service Technicians, Designers, Sales Specialists, Schedule Writers, "No Travel" Merchandise Execution Associates and Merchandise Execution Associates/Night employed by the Employer at its 7640 Roosevelt Blvd., Philadelphia, PA store.

EXCLUDED: All other employees, seasonal employees, loss prevention employees, guards and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending October 9, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be **"Do you wish to be represented for purposes of collective bargaining by Home Depot Workers United?"** The choices on the ballot will be **"Yes"** or **"No"**.

Initials: _____

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day the ballots are mailed to employees. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Paul Kalinowski, Store Manager, 7640 Roosevelt Boulevard, Philadelphia, PA 19124, Phone: (215) 537-6100; Email: Paul_J_Kalinowski@homedepot.com

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally. Each party may designate an observer or observers to participate in the count, including challenging the eligibility of voters.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

14. COVID-19 SAFETY MEASURES. All parties agree to comply with the safety measures outlined in [Memorandum GC 20-10](#). The maximum number of representatives for each party attending the pre-election conference is two. There will be no voter release schedule. The number of observers per party is one. There will be one voter list for each observer.

No earlier than 48 hours before the election but no later than 24 hours before the election, the employer must certify, in writing, the requested information in GC 20-10 Appendix A. Each party, party representative and observer participating at the pre-election conference, serving as an election observer, or participating in the ballot count, must submit a written certification, within the preceding 14 days (GC 20-10, Attachment A). Failure to submit the certifications may result in the Region cancelling the election. The Regional Director will use the information on the certifications to determine if the election should be held as scheduled.

All parties agree to notify the Regional Director, within 14 days after the day of the election, if any individuals who were present in the facility on the day of the election have tested positive for COVID-19 (or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days; are awaiting results of a COVID-19 test; are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher, cough, shortness of breath; or have had direct contact with anyone in the previous 14 days who has tested positive for COVID-19 (or who are awaiting test results for COVID-19 or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested).

Initials: _____

The polling area is spacious and sufficient to accommodate six-foot distancing, which should be marked on the floor with tape to insure separation for observers, Board Agent, and voters. There will be markings to depict safe traffic flow throughout polling area. There will also be separate tables spaced six feet apart so Board Agent, observers, ballot booth and ballot box are at least six feet apart.

The Employer will provide markings on the floor to remind/enforce social distancing. The Employer will provide sufficient disposable pens for each voter to mark their ballot. The Employer will provide glue sticks or tape to seal challenge ballot envelopes. The Employer will provide plexiglass barriers of sufficient size to protect the observers and Board Agent to separate observers and the Board Agent from voters and each other, pre-election conference and ballot count attendees, as well as masks, hand sanitizer, gloves and wipes for observers.

An inspection of the polling area will be conducted by video conference at least 24 hours prior to the election so that the Board Agent and parties can view the polling area. In accordance with CDC guidance, all voters, observers, party representatives, and other participants should wear CDC-conforming masks in all phases of the election, including the pre-election conference, in the polling area or while observing the count. Signs will be posted in or immediately adjacent to the Notice of Election to notify voters, observers, party representatives and other participants of this requirement.

<u>The Home Depot USA, Inc.</u>		<u>Home Depot Workers United</u>	
(Employer)		(Petitioner)	
By:	<u>/s/ John T. Merrell 10/11/22</u> (Signature) (Date)	By:	<u>/s/ (b) (6), (b) (7)(C) 10/11/22</u> (Signature) (Date)
Print Name:	<u>John T. Merrell</u>	Print Name:	<u>(b) (6), (b) (7)(C)</u>
Recommended:	<u>/s/ Joanne M. Sacchetti</u> JOANNE M. SACCHETTI, Field Examiner (Date) <u>10/11/22</u>		
Date approved:	<u>10/12/22</u>		
<u>/s/ Thomas Goonan</u> Regional Director, Region 04 National Labor Relations Board			

Initials: _____